

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10-cv-418-RJC-DSC**

CHARLES R. HALL, JR., et al.,

Plaintiffs,

v.

**INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE AND
AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA, UAW;
and UAW LOCAL UNION 5285,**

Defendants.

ORDER

THIS MATTER comes before the Court on the plaintiffs' Motion for Class Certification and Appointment of Class Counsel, (Doc. No. 13). Subsequently, the Magistrate Judge granted the plaintiffs' Motion to Amend Complaint, (Doc. No. 44), and plaintiffs filed a Second Amended Complaint, (Doc. No. 45).

It is well-settled that a timely filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. See Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Colin v. Marconi Commerce Sys. Employees' Retirement Plan, 335 F. Supp. 2d 590, 614 (M.D.N.C. 2004) (defendants' earlier motion for summary judgment as to one count appearing in first amended complaint rendered moot by filing of plaintiff's second amended complaint); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint). Thus, the filing of the plaintiffs' Second Amended Complaint renders their pending Motion for Class Certification and Appointment

of Class Counsel, (Doc. No. 13), which is related to the superseded complaint, moot.

IT IS, THEREFORE, ORDERED that plaintiffs' Motion for Class Certification and Appointment of Class Counsel, (Doc. No. 13), is **DENIED as moot**.

Signed: September 21, 2011

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

